

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF**

776171

BRIEF

Edward Washington
 Plaintiff-Appellant, Surgeon.
 vs
 Secretary of Health, Education and Welfare
 Defendant-Appellee.

Docket #
 77-6171
 Civil Appeal #2

Edward Washington
 857-9th Ave, Apt. #1D
 New York, N.Y., 10019
 May 18, 1978 PJB

Appellant Brief

on or before July 17, 1978 - Filed this date May 18, 1978

I, Edward Washington am in my Fifth (5th) year
 on this same Issues.

My argument is that I should be paid all my
 back money due in one check.

I won my Fair Hearing and S.S.I. Law states
 "If it's in my favor - all money due will be paid!"

I also won a Class Action Suit in Washington
 D.C. Yes! It concerned me for I was in that Class!

Now! The Defendant states I should have let my
 case worker know of the amount of money I was getting.
 My argument again is My Caseworker already knew
 because not only did she send me to their Disability
 Doctor but to their Medical Part #1 + #2 and
 furthermore: at that time, Everything and all was
 taken care of by Welfare Center #13 and They knew

(Continue) (2)

(2) and have everything in their records of Edward
Washington Case # 32080469 Social Security # 068-26-1053

Judge Tenney dismissed my case from September
29, 1977 on U.S. Magistrate Kent Sinclair jr. report.
But the Notice of an Oral Hearing on May 13, 1977
clearly states (this is not a Trial and
No Testimony will be taken!" Yes! The Judge
Did and that's Due Process of Law!

Since I am on record as my own Lawyer
I want my Welfare Complete Records

EDWARD WASHINGTON
Case Number # 32080469

in Court to be examined by me at the argument
of the appeal during the week of August 28, 1978
as my Burden of Proof - Cause or thing of action
and Subpoena Duces Tecum.

Date: 2

May 18, 1978

Civil Appeal #2

Appellant - Edward Washington

Lawyer - EDWARD WASHINGTON

Docket # 77-6171

To Appeal:

Submit an original and one copy for the court. List the attorney's names and addresses under the word "Notice" on bottom left.

If you are paying the \$5 fee, take this to Orders and Appeals, G-66, with sufficient additional copies for each defendant(s) attorney.

If you wish to file as an indigent, ask for and complete the declaration of poverty form required by the Court of Appeals (attached).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Edward Washington

PLAINTIFF

AGAINST

SECRETARY OF HEALTH, EDUCATION

AND WELFARE DEFENDANT

Docket Number: 75 Civ 248 (CAT)

Judge: TENNEY, J.

FILED

USDC-SDNY
OCT 19, 1977

NOTICE OF APPEAL
TO

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Notice is hereby given that Edward Washington

above named, hereby appeals to the United States Court of Appeals for the Second Circuit from the decision and order of

U.S.D.C. - S.D.N.Y. (TENNEY, J.) dismissing ~~her~~/his

complaint or petition (cross out one) on SEPTEMBER 29, 1977
(date)

1977.

Notice to:

1- USA ATTORNEY
ST ANDREWS
NY, NY

2- US COURT OF APPEALS

Signed

Address

Telephone

Edward Washington
857- 9th Ave, NY, NY 10019
Apartment # 1D

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE

FOLEY SQUARE, NEW YORK

NEW YORK 10007

CHAMBERS OF
KENT SINCLAIR, JR.
UNITED STATES MAGISTRATE

April 21, 1977

Edward Washington
857 Ninth Avenue
Apartment 1D
New York, New York 10019

John M. O'Connor
Assistant U.S. Attorney
One St. Andrew's Plaza
New York, New York 10007

Washington v. Secretary of HEW
75 Civ. 2480 (CHT)

Gentlemen:

An oral hearing will be held in Room 427 of this Courthouse on May 13 at 10 a.m. concerning defendant's motion for judgment on the pleadings. This is not a trial and no testimony will be taken. The purpose is to hear your arguments on the questions: (1) was there substantial evidence to support the factual findings made by defendant in Mr. Washington's case, and (2) was the proper legal standard applied by defendants.

Very truly yours,

Kent Sinclair, Jr. (cam)

KENT SINCLAIR, JR.
United States Magistrate

cam

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S. D. OF N. Y.

----- X
EDWARD WASHINGTON

Plaintiff

: 75 Civil 2480 (CHT)

-against-

SECRETARY OF HEALTH, EDUCATION and
WELFARE

Defendant
----- X

:
:
:
:
JUDGMENT

Defendant's motion for summary judgment having been referred to U.S. Magistrate Sinclair, to hear and report, and the Magistrate's report having been submitted to the Court, and the Court thereafter on September 29, 1977, having handed down its memorandum opinion granting summary judgment, it is,

ORDERED, ADJUDGED and DECREED: That defendant SECRETARY OF HEALTH, EDUCATION and WELFARE have judgment against plaintiff EDWARD WASHINGTON dismissing the complaint and affirming the findings and conclusions of the Secretary.

Dated: New York, N.Y.
September 30, 1977

Raymond F. Berg
Clerk